IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10815 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JYOTI LTD

Versus

NITIN GOVINDBHAI PATEL

Appearance:

M/S TRIVEDI & GUPTA for Petitioner

MR RD RAVAL for Respondent No. 1

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 29/03/2001

ORAL JUDGEMENT

1. Ms.Anar Parikh, learned advocate for and on behalf of M/s. Trivedi and Gupta, learned advocate is appearing for the petitioner and Ms.P.C.Fernandes, for Mr.R.D.Raval, learned advocate is appearing for the respondent. Shri Nitin Govindbhai Patel-respondent is

also present in the Court.

2. Learned counsel for the parties have submitted the terms of settlement which has been arrived at between the parties and it has been signed by the learned advocates for the petitioner and the respondent and the respondent has also signed in the terms of settlement dated 14.3.2001. The same is taken on record. Learned advocate for the respondent stated that his client has confirmed that he has willingly and happily signed this settlement and he wants benefits as per this settlement.

3. In view of the same, this settlement is arrived at between the parties and parties have settled as per Clause 1,2,3,4,5,6,7 and 8 of the consent terms. In view of the same, the service of respondent said to be relieved from the petitioner company. The award of the tribunal is also specified in this case. As regards backwages is concerned, the respondent has decided to forgo, drop and waive his claim and/or right for any backwages including those as directed by the Labour Court in and by way of Award dated 19.6.1996 in Reference (LCV) No.50/86. He has also agreed and undertaken and accepted that he has no claim and/or right towards and with reference to the amount of Rs.1,86,652.00 deposited by the petitioner. The respondent has been given fresh appointment as per the settlement and all dues and disputes were finally settled.

4. In view of the settlement arrived at between the parties, this Special Civil Application is disposed of. It is submitted that the petitioner has deposited Rs.1,86,652.00 in the Registry of this Court. The Registry is directed to give back the amount of Rs.1,86,652.00 alongwith interest accrued thereon in the name of Jyoti Limited by A/c. Payee Cheque to the learned advocate for the petitioner.

5. This Special Civil Application stands disposed of accordingly. Rule is discharged.

(K.M. Mehta, J.)

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